

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

IN RE: NATIONAL PRESCRIPTION
OPIATE LITIGATION

This document relates to:

*County of Lake, Ohio v. Purdue
Pharma L.P., et al.,*
Case No. 18-op-45032 (N.D. Ohio)

*County of Trumbull, Ohio v. Purdue
Pharma, L.P., et al.,*
Case No. 18-op-45079 (N.D. Ohio)

“Track 3 Cases”

**MDL No. 2804
Case No. 17-md-2804
Judge Dan Aaron Polster**

**TRACK 3 DEFENDANTS’ OBJECTIONS TO
PLAINTIFFS’ SUPPLEMENTAL EXHIBITS**

The Track 3 Defendants submitted objections to Plaintiffs’ exhibits by 12:00 p.m. on April 26, 2022, pursuant to the Track Three Abatement Phase Trial Order. Dkt. 4390. Later that day, Plaintiffs amended their Exhibit List to add two new exhibits. Dkt. 4392. On May 2, 2022, Plaintiffs added three additional exhibits to their Exhibit List as well. Dkt. 4412. Defendants submit these updated objections to those five additional Plaintiffs’ exhibits. Attached as Exhibit A is an updated copy of Defendants’ objections, including all the exhibits Plaintiffs have listed to this point.

Four of Plaintiffs’ new exhibits are additional expert reports or supplements, which Defendants object to as hearsay and on the other grounds explained in their original objections related to the other expert reports listed by Plaintiffs. *See* Dkt. 4390. In addition, Plaintiffs present exhibits P-22481, P-04998, and P-04999 as rebuttal opinions from Katherine Keyes and Caleb Alexander. But the opinions included within those exhibits are new opinions, not rebuttals of any

defense expert opinion, and they go beyond apportionment. Therefore, Defendants object to the scope of those new opinions as beyond what the Court allowed and as untimely given that they are not rebuttal. Exhibit P-27576 is an addendum to Nancy Young's expert report, which Plaintiffs do not even purport to be a rebuttal. Therefore, Defendants object to that exhibit as untimely as well.

The final new exhibit, P-27579, appears to be a publication by the Office of National Drug Control Policy, which Defendants object to based on timeliness, authenticity, lack of foundation, lack of relevance, and hearsay. *See* Fed. R. Evid. 901, 602, 402, 801, 802.

Defendants continue to reserve the right to assert additional objections to Plaintiffs' exhibits at trial.

Dated: May 3, 2022

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that the foregoing document was served via the Court's ECF system on all counsel of record on May 3, 2022.

/s/ Jeffrey A. Hall

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